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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,704

Applicant(s)

ENOMOTO, KATSUNORI

Examiner

Nicholas C. Pachol

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/22/08 have been fully considered but they are not persuasive. In regards to applicant's argument that Anderson fails to disclose "a detection section that detects which of the first and second original placement sections an original is placed in," the examiner respectfully disagrees. The examiner notes that Anderson does in fact detect that the original is placed on the glass and if there is a document on input tray. Applicant stated that Anderson does detect the presence of a document on the input tray. This is done by the toggle switch, stated in Column 7, lines 5-10. Applicant also stated that the sensor 53 is used to detect the leading edge of a document and if the lid has been opened, Column 7, lines 32-43 and 50-57. The examiner notes that though the presence of detecting that the lid is open, the scanner of Anderson does detect if there is a document present on the glass, Column 7, lines 25-29. This is done by detecting the amount of times the lid has been opened and closed. In column 9, lines 6-13, Anderson describes that signals are sent for each time the lid is opened and closed. The first signal is sent when the light path is interrupted, indicating that the lid is opened. When the light path is complete again, and second signal is generated to indicate that the lid is closed. This is processed then determines if there is an original that has been placed on the glass, Column 9, lines 23-30. According to Anderson, this is to prevent from having interference when trying to scan a document from the ADF when there is a document present on the glass, Column 7, lines 26-24. Therefore by either having a document on the ADF or not having a document on the

glass, "indicates that ADF operation is being initiated by the start button," Column 9, lines 49- Column 10, line 3. Therefore Anderson does in fact disclose "a detection section that detects which of the first and second original placement sections an original is placed in."

In regards to Applicants argument that Tada fails to teach "a control section that causes an image formation section to form images of a plurality of originals read by the image read section on one side of a recording medium in a predetermined layout based on a detection result of a detection section and the specification of the image orientation specifying section," the examiner respectfully disagrees. The applicant alleges that since Anderson fails to disclose any signal utilized for a layout of an image, then Tada does not teach the control section. The examiner notes that Anderson was not relied on for the image orientation specifying section, but in fact Tada was used for the image orientation specifying section and Anderson was used to teach the detection section. As stated above Anderson does teach the detection section. Since Anderson teaches as to where the document is placed and Tada teaches the layout of the document, by combining together Anderson and Tada then the control section of Tada will control the image formation properly, with regards to image placement and layout. This is because the control section of Tada controls the image formation of the document with regards to the feedback from the other sensors. Since Tada is modified with the teachings of Anderson, the control of Tada would receive the signals from the sensor of Anderson, to determine where the image is placed. Therefore this would be part of control of the image formation in Tada. Therefore Tada does teach "a control section that causes an

image formation section to form images of a plurality of originals read by the image read section on one side of a recording medium in a predetermined layout based on a detection result of a detection section and the specification of the image orientation specifying section."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tada (US 6,144,777) in view of Takeuchi (US 5,978,614) further in view of Andersen (US 6,646,768).

Regarding Claim 1, Tada teaches a copying apparatus (Column 3, lines 25) for copying an image read from an original having a long side and a short side to a recording medium (Column 3, lines 29-32 and Column 7 line 25), the copying apparatus comprising:

a second original placement section with a predetermined orientation of the long and short sides of the original to be placed (Column 3, lines 24-28);

a feeder that transports the original from the first original placement section (Column 4, lines 28-42);

an image read section that reads the image from the original that has been transported from the first original placement section while the image read section is stationary or from the original that has been placed on the second original placement section while the image read section is moved relative to the original (Figure 1, element 10, and Column 3, lines 40-43);

a storage section that stores data of the image read by the image read section (Figure 1, element 30, and Column 6, lines 20-27);

an image orientation specifying section that specifies whether the top and bottom orientation of the image of the original placed in the first or second original placement section is in parallel with the long side of the original or in parallel with the short side of the original (Column 6, lines 28-28);

an image formation section that forms the image on the recording medium (Figure 1, element 70 and Column 3, lines 52-53); and

a control section that causes the image formation section to form the images of a plurality of originals read by the image read section on one side of one recording medium in a predetermined layout based on the detection result of the detection section and the specification of the image orientation specifying section (Column 5, lines 52-55, wherein Tada teaches the image orientation specifying section and Anderson teaches the detection section).

Tada does not teach a first original placement section with a predetermined orientation of the long and short sides of the original to be placed; and

a detection section that detects which of the first and second original placement sections the original is placed in.

However, Takeuchi does teach a first original placement section with a predetermined orientation of the long and short sides of the original to be placed (Column 2, lines 28-36 and Column 1, lines 13-19).

Tada and Takeuchi are combinable because they both are dealing with a copier.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tada with the teachings of Takeuchi to allow for successive scanning of documents as well as being able to scan one sheet at a time (Takeuchi: Column 1, lines 13-19).

Andersen does teach a detection section that detects which of the first and second original placement sections the original is placed in (Column 4, lines 3-18, wherein if the lid is open then the document is on the flatbed. Column 9, lines 6-13 and 23-30 show that by determining that the lid was opened then closed, there will be a determination as to if there is a document placed on the glass).

Tada and Andersen are combinable because they both deal with the process of scanning a document with an automatic document feeder.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tada with the teachings of Andersen for the purpose of detecting both the leading edge of a document and the opening of the cover with one sensor (Andersen: Column 3, lines 34-41).

Regarding Claim 2, Tada further teaches wherein the image read section reads the image by scanning (Column 3, line 61- Column 4, line 5).

Regarding Claim 3, Tada in view of Takeuchi teaches wherein a scanning direction, which is parallel with the orientation of the short side of the original, of the image read section when an original is placed in the first original placement section (Takeuchi: Column 31-59) differs from a scanning direction, which is parallel with the orientation of the short side of the original, of the image read section when an original is placed in the second original placement section (Tada: Column 7, lines 33-38).

Tada and Takeuchi are combinable because they both are dealing with a copier.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tada with the teachings of Takeuchi to allow for successive scanning of documents as well as being able to scan one sheet at a time (Takeuchi: Column 1, lines 13-19).

Regarding Claim 4, Tada in view of Takeuchi wherein a subscanning direction of the image read section parallel with the orientation of the long side of the original when the original is placed in the first original placement section (Takeuchi: Column 31-59) is opposite to a subscanning direction of the image read section parallel with the orientation of the long side of the original when the original is placed in the second original placement section (Tada: Column 7, lines 33-38).

Tada and Takeuchi are combinable because they both are dealing with a copier.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tada with the teachings of Takeuchi to allow for successive scanning of documents as well as being able to scan one sheet at a time (Takeuchi: Column 1, lines 13-19).

Regarding Claim 5, Tada further teaches wherein the image read section reads the images of a plurality of originals while scaling down the images at a predetermined scaling factor and the control section causes the image formation section to form the images of the plurality of originals read by the image read section on one side of one recording medium in a predetermined layout (Column 4, lines 48-67).

Regarding Claim 6, Tada further teaches wherein the control section scales down the images of the plurality of originals read by the image read section at a predetermined scaling factor and causes the image formation section to form the images on one side of one recording medium in a predetermined layout (Column 9, line 58- Column 10 line 50).

Regarding Claim 7, Tada further teaches wherein the control section selectively causes the image formation section to form the images of two originals read by the image read section on one side of one recording medium in a predetermined layout and causes the image formation section to form the images of four originals read by the

image read section on one side of one recording medium in a predetermined layout (Column 10, lines 12-27 and Lines 46-56).

Regarding Claim 8, Tada further teaches wherein when a plurality of originals are transported in order from the first original placement section by the feeder and the control section causes the image formation section to form the images of two originals read by the image read section on one side of one recording medium in the predetermined layout, the control section rotates the two images in a different direction depending on whether the top and bottom orientations of the two images are parallel with the long side or the short side of the original, and causes the image formation section to form the rotated two images on one side of one recording medium (Figure 15, and Column 8, lines 3-14, where the second section already combined with Tada from Takeuchi).

Regarding Claim 9, Tada further teaches wherein when a plurality of originals are placed in the second original placement section in order and the control section causes the image formation section to form the images of two originals read by the image read section on one side of one recording medium in the predetermined layout, the control section rotates the two images in the same direction regardless of whether the top and bottom orientations of the two images are parallel with the long side or the short side of the original, and causes the image formation section to form the rotated two images on one side of one recording medium (Figure 15 and Column 8, lines 3-14).

Regarding Claim 10, Tada further teaches wherein when a plurality of originals are transported in order from the first original placement section by the feeder and the control section causes the image formation section to form the images of four originals read by the image read section on one side of one recording medium in the predetermined layout, the control section does not rotate the four images regardless of whether the top and bottom orientations of the four images are parallel with the long side or the short side of the original, and causes the image formation section to form the four images on one side of one recording medium (Figure 21 and Column 8, lines 43-58 where the second section already combined with Tada from Takeuchi).

Regarding Claim 11, Tada further teaches wherein when a plurality of originals are placed in the second original placement section in order and the control section causes the image formation section to form the images of four originals read by the image read section on one side of one recording medium in the predetermined layout, if the top and bottom orientations of the four images are parallel with the long side of the original, the control section does not rotate the four images and causes the image formation section to form the four images on one side of one recording medium and if the top and bottom orientations of the four images are parallel with the short side of the original, the control section rotates the four images 180° and causes the image formation section to form the rotated four images on one side of one recording medium (Figure 21 and Column 8, lines 43-58).

4. Claims 12-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Tada (US 6,144,777) in view of Andersen (US 6,646,768).

Regarding Claim 12, Tada teaches a method of operating a copying apparatus including a image read unit to read an image from an original having a long side and a short side placed in a first original placement section or a second original placement section with a predetermined orientation (Figure 1, element 10, and Column 3, lines 40-43), and an image formation unit to form the image on a recording medium (Figure 1, element 70 and Column 3, lines 52-53), the method comprising the steps of:

specifying step of specifying whether the top and bottom orientation of the image of the original is in parallel with the long side of the original or in parallel with the short side of the original (Column 6, lines 28-28);

reading step of reading the image from the original (Figure 1, element 10, and Column 3, lines 40-43); and

forming step of forming the images of a plurality of originals read by the reading step on one side of one recording medium in a predetermined layout based on the detection result and the specification (Figure 1, element 70 and Column 3, lines 52-53, Column 5, lines 52-55, wherein Tada teaches the specification and Anderson teaches the detection result).

Tada does not teach detecting step of detecting which of the first and second original placement sections the original is placed in.

However, Andersen does teach detecting step of detecting which of the first and second original placement sections the original is placed in (Column 4, lines 3-18, wherein if the lid is open then the document is on the flatbed. Column 9, lines 6-13 and 23-30 show that by determining that the lid was opened then closed, there will be a determination as to if there is a document placed on the glass).

Tada and Andersen are combinable because they both deal with the process of scanning a document with an automatic document feeder.

Therefore it is obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tada with the teachings of Andersen for the purpose of detecting both the leading edge of a document and the opening of the cover with one sensor (Andersen: Column 3, lines 34-41).

Regarding Claim 13, Tada further teaches wherein the forming step includes forming the images of two originals read by the reading step on one side of one recording medium in a predetermined layout (Column 4, lines 48-67) and forming the images of four originals read by the reading step on one side of one recording medium in a predetermined layout (Column 10, lines 12-27 and Lines 46-56).

Regarding Claim 14, Tada further teaches wherein the forming step includes rotating the images of originals read by the reading step and forming the images on one side of one recording medium in a predetermined layout based on the detection result,

the specification and the number of images to be formed on the one recording medium Column 8, lines 26-30 and Column 9, lines 43-51).

Regarding Claim 15, Tada further teaches wherein the reading step includes reading the image from the original while scaling down the image at a predetermined scaling factor (Column 8, lines 3-6 and 43-46).

Regarding Claim 16, Tada further teaches wherein the forming step includes scaling down the images of the originals read by the reading step at a predetermined scaling factor (Column 8, lines 3-6 and 43-46).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas C. Pachol whose telephone number is 571-270-3433. The examiner can normally be reached on M-Thr, 8:00 a.m.- 4:00 p.m. (EST), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

N.P.
03/25/09

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625